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10/663,436	09/15/2003	Rodney G. Johnson	PA0891.AP.US	1571
75035                      7590                      06/02/2008 Mark A> Litman and Associates, P.A. York Business Center 3209 w. 76th Street Suite 205 Edina, MN 55435				
EXAMINER				
BEAUCHAINE, MARK J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/663,436  
Filing Date: September 15, 2003  
Appellant(s): JOHNSON, RODNEY G.

\_\_\_\_\_  
Mark A. Litman  
Mark A. Litman & Associates, P.A.

For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8 February 2008 appealing from the Office action mailed 23 January 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,989,122	Roblejo	11-1999
6,149,154	Grauzer	11-2000
4,339,134	Macheel	07-1982

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 21, 25-31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,989,122 by Roblejo ("Roblejo") in view of Patent Number 6,149,154 by Grauzer et al ("Grauzer") in view of Patent Number 4,339,134 by Macheel ("Macheel"). The card shuffler 10 for use on a playing table disclosed by Roblejo has card holding/infeed area 12, card collecting/discharge area 21 and card shuffler/randomization area 13 (see Figure 1) being capable of moving cards between

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the card holding area and the card collecting area to form a shuffled set of cards in the card collecting area (see column 2, lines 45-52; column 3, lines 50-61; column 4, lines 60-67; column 5, lines 16-26; and column 6, lines 26-29). Roblejo further discloses card sensor/reading mechanism 14 reading the suit and rank of each card individually as said cards pass between said card holding and collecting areas (see column 2, lines 37 and 38; column 3, lines 13-39; column 4, lines 50 and 51; and column 5, lines 1-3). Still further, Roblejo discloses card transfer mechanism/first card feeder 17 that moves cards from the card holding area to the card randomization area, second card feeder 20 that transfers cards from the shuffling mechanism to the discharge area, and microprocessor/computer 11 programmed to control operation of the card shuffler and to determine whether cards have been removed or added to cards inserted into the card holding area that have been retrieved from the playing table (see column 2, lines 22-27 and 46-63; column 3, lines 33-39; column 4, lines 8-14; and column 5, lines 16-26).

3. Roblejo fails to disclose sensor/reading mechanism 14 being located between said card holding and card collecting areas. Grauzer teaches a card shuffler having card sensor 176 located between card holding area 60 and card collecting area 36 for the purpose of identifying cards being processed by the shuffler. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the card sensor configuration of Grauzer into the card shuffler of Roblejo for the purpose of detecting cards being processed by the shuffler.

4. Roblejo further discloses a display to indicate the presence of an incorrect set of cards in the shuffler, *i.e.*, the detection of a missing or over supplied card (see column 4,

lines 8-14; and column 27-33). Roblejo fails to disclose a display that displays the suit and rank of a card read by said sensor/reading mechanism. Macheel teaches a card shuffler having illuminated displays 18 and 20 that display the suit and rank of a card for the purpose of notifying an operator of the identity of a particular card being processed by the shuffler. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the suit and rank display of Macheel into the card shuffler of Roblejo for the purpose of notifying an operator of the identity of a particular card being processed by the shuffler.

#### **(10) Response to Argument**

The Applicant's argument that Roblejo fails to transmit a signal indicating a specific card is erroneous.

1. Although the Applicant asserts that Roblejo fails to process a signal indicating the specific rank and suit of a playing card, Roblejo discloses indicia of particular playing cards being read by a sensor (column 3, lines 24-26) which optically detects indicia on individual cards (column 3, lines 65-67) and transmits an identifying signal to a controller which processes a plurality of decks of cards (column 3, lines 33-35 and 50-64; and column 4, lines 1-4). In order to ensure that a deck of cards is complete and accurate individual cards must be identified by suit and rank by said apparatus.

The Applicant's argument that Grauzer fails to overcome the lack of a card display of Roblejo is erroneous.

2. The apparatus of Roblejo discloses card identification signals as explained above as well as a means of visually indicating the status of a card to an operator (column 4, lines 9-14). Grauzer teaches the particulars of a card display of a card processing apparatus (Abstract, lines 8-12) for the purpose of notifying an operator of the status of a particular card.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

MJB

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653

Conferees:

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Art Unit: 3653

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